

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: SUNEDISON, INC. SECURITIES
LITIGATION
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16 MD 2742 (PKC)(AJP)

ORDER

CASTEL, U.S.D.J.

This Order applies to: (a) all cases that have been or are subsequently transferred or conditionally transferred to the undersigned by the Judicial Panel on Multidistrict Litigation (the “Panel”); and (b) the following actions that were pending in this district prior to the Panel’s initial transfer order: Bloom et al. v. SunEdison, Inc. et al., 16 cv 7427 (PKC) and Omega Capital Investors, L.P. et al v. SunEdison, Inc. et al., 16 cv 7428 (PKC).

1. Any judicial stay in place in any action is modified to permit the parties to comply with this and any subsequent Order of this Court.
2. All counsel are required to promptly register for and participate in this Court’s CM/ECF filing system.
3. Interested parties shall show cause in writing by November 15, 2016 why any judicially imposed stay of any action should not be vacated in whole or in part.
4. There will be an Initial Conference for all parties in all actions on December 19, 2016 at 2 p.m. in Courtroom 11D of the Daniel Patrick Moynihan Courthouse, 500 Pearl Street, New York, New York. Counsel must appear personally and may not appear telephonically.
5. Counsel for any plaintiff who has brought a putative class action under any provision of the federal securities laws shall meet and confer by November 17, 2016 and propose to the Court a schedule on the following: (a) any motion for

designation as lead plaintiff and lead plaintiff's counsel; (b) the filing of a Consolidated Class Action Complaint ("CCAC"); and (c) the filing of any pre-motion letters by defendants addressed to the face of the CCAC and the response to any such letters by plaintiffs. Counsel shall also provide by November 17, 2016 the letter required in paragraph 9.

6. Counsel for any plaintiff who has brought an individual action invoking the federal securities laws shall advise the Court in writing whether the plaintiff will agree to stay the time for defendants to answer or move until 30 days after the earlier of the following: (a) a decision on any motion to dismiss the CCAC; or (b) the filing of an answer by substantially all served parties. Counsel shall also provide by November 17, 2016 the letter required in paragraph 9.
7. Counsel for any plaintiff who has brought a purported derivative action shall meet and confer by November 17, 2016 and propose to the Court a schedule on the following: (a) the filing of a Consolidated Derivative Complaint ("the Derivative Complaint"); and (b) the filing of any pre-motion letters by defendants addressed to the face of the Derivative Complaint and the response to any such letters by the derivative plaintiffs. Counsel shall also provide by November 17, 2016 the letter required in paragraph 9.
8. Counsel for any plaintiff who has brought an action under any provision of ERISA shall meet and confer by November 17, 2016 and propose a schedule on the following: (a) the filing of a Consolidated ERISA Complaint (the "ERISA Complaint"); and (c) the filing of any pre-motion letters by defendants addressed to the face of the ERISA Complaint and the response to any such letters by


plaintiffs. Counsel shall also provide by November 17, 2016 the letter required in paragraph 9.

9. Counsel for the plaintiff in the federal securities class actions (paragraph 5), the individual securities actions (paragraph 6), the derivative actions (paragraph 7) and the ERISA actions (paragraph 8) and counsel for defendants in all actions shall submit to the Court by November 17, 2016 a letter, filed through ECF, providing the following information:

- a. An identification of all parties represented by the counsel submitting the letter;
- b. In the case of a plaintiff's counsel, a listing of all parties served and all parties who remain to be served;
- c. In the case of a plaintiff's counsel, a brief statement of the nature of the action and, in the case of a defendant's counsel, the principal defenses thereto;
- d. A statement of all existing deadlines, due dates, and/or cut-off dates;
- e. A brief description of any outstanding motions;
- f. A brief description of any discovery that has already taken place;
- g. A list of all prior settlement discussions, including the date, the parties involved, and the approximate duration of such discussions, if any; and
- h. Any other information that the parties believe may assist the Court in advancing the case to settlement or trial, including, but not limited to, a description of any dispositive issue or novel issue raised by the case.

10. The undersigned's Individual Practices found on the Court's website, <http://www.nysd.uscourts.gov/judge/Castel>, shall be read and followed by all counsel.
11. Within three days hereof, each plaintiff shall deliver a copy of this Order to any defendant who has been served with process but has not yet appeared in the action.

SO ORDERED.


P. Kevin Castel
United States District Judge

Dated: New York, New York
October 26, 2016